

9 KAR 1:015. Preadministrative proceedings.

RELATES TO: KRS 11A.080

STATUTORY AUTHORITY: KRS 11A.110(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.080(1) requires the commission to investigate violations of KRS Chapter 11A, upon complaint or its own motion, and establishes procedures for the filing of complaints and commission investigations. This administrative regulation establishes procedures, not established in KRS 11A.080, relating to investigations.

Section 1. Complaint. (1) A complaint shall state the:

(a) Full name and address of the:

1. Complainant;

2. Complainant's attorney, if an attorney has been retained;

(b) Name of each person alleged to have violated KRS Chapter 11A;

(c) Employment of each alleged violator, if known;

(d) Alleged facts that are the basis of the complaint; and

(e) Statute alleged to have been violated, if known.

(2) The statement that the complaint is signed under penalty of perjury shall appear above the signature.

Section 2. Answer to Complaint. (1) The documents specified in KRS 11A.080(1)(c) shall be sent, by certified mail, return receipt requested, at the last known address, or by personal service.

(2) Within twenty (20) days of receiving a copy of the complaint, a person against whom a complaint is filed shall:

(a) File with the commission a written, signed response to the complaint; and

(b) Mail a copy of the response to the complainant.

Section 3. Meeting During Preliminary Investigation. (1) The person being investigated may, at any time during the course of the preliminary investigation:

(a) Request a meeting with the commission's attorney and the complainant, if any;

(b) Have an attorney represent him at this meeting.

(2) The commission's attorney shall use reasonable efforts to schedule a meeting if one has been requested.

(3) Nothing in this section shall be construed to prohibit the commission's attorney or an investigator acting on behalf of the commission from initiating contact with the person being investigated, or the person's attorney if he has retained counsel.

Section 4. Dismissal of Complaint. The commission may dismiss a complaint if it determines that the facts stated in the complaint, or facts known to the commission upon a preliminary investigation, fail to establish a violation of KRS Chapter 11A. (21 Ky.R. 2566; Am. 22 Ky.R. 25; eff. 7-6-1995; 25 Ky.R. 883; 1577; eff. 1-19-1999; 27 Ky.R. 2193; 2679; eff. 4-9-2001.)